



DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

Docket No. 8222-52

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **THROTTLE CONTROL AND FAILURE ACCOMMODATION**, the specification of which

(check one) [ ] is attached hereto.

[x] was filed on July 25, 2003 as Application Serial No. 10/627,051  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)      (Filing Date)      (Status - patent/pending/abandoned)

(Application Serial No.)      (Filing Date)      (Status - patent/pending/abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any provisional application listed below:

60/399,001      July 27, 2002  
(Application Serial No.)      (Day/Month/Year Filed)


I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: C. David Emhardt, No. 18, 483; Joseph A. Naughton, Jr., No. 19, 814; John V. Moriarty, No. 26,207; John C. McNett, No. 25,533; Thomas Q. Henry, No. 28,309; James M. Durlacher, No. 28,840; Charles R. Reeves, No. 28,750; Vincent O. Wagner, No. 29,596; Steve Zlatos, No. 30,123; Spiro Bereveskos, No. 30,821; Clifford W. Browning, No. 32,201; R. Randall Frisk, No. 32,221; Daniel J. Lueders, No. 32,581; Kenneth A. Gandy, No. 33,386; Timothy N. Thomas, No. 35,714; Kurt N. Jones, No. 37,996; John H. Allie, No. 39,088; Holiday W. Banta, No. 40,311; Troy J. Cole, No. 35,102; L. Scott Paynter, No. 39,797; Charles J. Meyer, No. 41,996; Matthew R. Schantz, No. 40,800; Gregory B. Coy, No. 40,967; Lisa A. Hiday, No. 40,036; John V. Daniluck, No. 40,581; Christopher A. Brown, No. 41,642; Arthur J. Usher, IV, No. 41,359; Douglas A. Collier, No. 43,556; Brad A. Schepers, No. 45,431; Scott J. Stevens, No. 29,446; James B. Myers, Jr., No. 42,021; John M. Bradshaw, No. P-46,573; Chuck Schmal, No. 45,082; Quentin G. Cantrell, No. 47,469; Edward E. Sowers, No. 36,015; John L. Roberts, No. 50,453; John J. Emanuele, No. 51,653; Denise M. Gosnell, No. 51,748; Jason A. Houdek, No. 54,620; Michael S. Wherry, No. 53,764; Elizabeth A. Shuster, No. 52,672; Michael C. Bartol, No. 44,025; and Gary M. Gron, No. 24,293.

Address all telephone calls to: L. Scott Paynter at (317) 634-3456

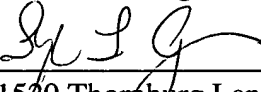
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Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Zieles, Michael D.**

Inventor's Signature:  Date of Signature: NOVEMBER 24, 2003  
Residence: 1380 Honey Locust Court, Columbus, Indiana, 47201  
Citizenship: United States  
Post Office Address: 1380 Honey Locust Court  
Columbus, IN 47201

Full name of second inventor: **Goerges, Stephanie L.**

Inventor's Signature:  Date of Signature: NOVEMBER 24, 2003  
Residence: 1520 Thornburg Lane, Franklin, Indiana, 46131  
Citizenship: United States  
Post Office Address: 1520 Thornburg Lane  
Franklin, IN 46131

Full name of third inventor: **Lowery, Jason R.**

Inventor's Signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
Residence: 2811 Beech Drive, Columbus, Indiana, 47203  
Citizenship: United States  
Post Office Address: 2811 Beech Drive  
Columbus, IN 47203



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Full name of first inventor: **Zieles, Michael D.**

Inventor's Signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
Residence: 1380 Honey Locust Court, Columbus, Indiana, 47201  
Citizenship: United States  
Post Office Address: 1380 Honey Locust Court  
Columbus, IN 47201

Full name of second inventor: **Goerges, Stephanie L.**

Inventor's Signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
Residence: 1520 Thornburg Lane, Franklin, Indiana, 46131  
Citizenship: United States  
Post Office Address: 1520 Thornburg Lane  
Franklin, IN 46131

Full name of third inventor: **Lowery, Jason R.**

Inventor's Signature: Jason R. Lowery Date of Signature: Dec. 6, 2003  
Residence: 2811 Beech Drive, Columbus, Indiana, 47203  
Citizenship: United States  
Post Office Address: 2811 Beech Drive  
Columbus, IN 47203